IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No. 12104 of 2004

Between:

Dr.Bharath Bhagya Bhushan Behera, s/o Solmon,
D.No.58-1-77, Market Street, Jaganaikpur, Kakinada-2, E.G.District.

..... PETITIONER

AND

1.The Kakinada Municipality, represented by its Municipal Commissioner,
Kakinada, E.G.District.
2.The Health Officer, Kakinada Municipality,
Kakinada, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents in killing the healthy stray and pet dogs as arbitrary, capricious unwarranted and against Section 11 sub-section (1) Clause (i) of Prevention of Cruelty to Animals Act, 1960 and Rules 7 to 9 of the Rules framed in the year 2001 under the said Act and also violation of Principles of Natural Justice and Article 21 of the Constitution of India and consequently to direct the respondents not to kill both stray and pet dogs which are normal and hale and healthy.

Counsel for the Petitioner: Smt. N (P) Anjana Devi

Counsel for the Respondents: Mr. S.Nageswara Reddy

SC for Municipalities.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

We have seen the fresh affidavit of Dr. K.Srikaruna Murthy, Health Officer of the Municipality, dated: 13.3.2005. It is stated that the Municipality is following Animal Birth Control (Dog) Rules, 2001 and a committee has been formed to implement A.B.C. Rules on 10.1.2005 and the implementation of the ABC programme will be inaugurated on 21.3.2005 by the District Collector and the Chairman of the Society for Prevention of Cruelty to Animals. The Committee has been constituted as per the provisions of the Rules. We take this statement on record that ABC programme will be now implemented by the respondents in accordance with the provisions of the Dog Rules. We need not pass any other order as regards the petitioner's grievance that respondent-Municipality did not follow the procedure laid down in the Rules earlier prior to the constitution of the Committee and dogs were indiscriminately killed, particularly, in view of the assertion made by the respondents that respondents have followed the Rules. There is a Society, namely, Spandana Praja Arogya Samshkema Sangam, which is taking care of the dogs, and on the order of the Municipal authorities, it has set up a control cell to receive complaints about dog bites and information about rabies dogs and on receipt of specific complaint from the public the society will take the complainant to the place where the dog is creating nuisance and take appropriate action as is required. The society has been trained in painless killing of the dogs through injection and to prevent rabies in view of the large number of complaints received from the public about the dog bites by the dogs having rabies.

In view of the affidavit filed that Committee has now been constituted to implement the ABC Rules, we hope and expect that the respondent-Municipality will meticulously follow the rules in implementing the programme.

The Writ Petition, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

14.3.2005.

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B.SESHASAYANA REDDY, J.

VR.

To

1.The Kakinada Municipality, represented by its Municipal Commissioner,
Kakinada, E.G.District.
2.The Health Officer, Kakinada Municipality,
Kakinada, E.G.District.

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